

Fourth Study Commission  
of the  
International Association of Judges  
Questionnaire  
for the  
2008 meeting.

Rights of parents in the employer employee  
relationship

**Introductory remarks:**

There are different measures developed enabling men and women to reconcile their occupational and family obligations. New flexible ways of organizing work and time, which are better suited to the changing needs of society may take into account the needs of both undertakings and workers. This is also important to promote equal opportunities and equal treatment between men and women. Flexibility and diversity of child-care services is part of a strategy to meet the different preferences, needs and circumstances of children and their parents.

The three main field of this questionnaire are

- a. maternity leave for women –related to maternity and birth
- b. parental leave (distinct from maternity leave) for men and women related to the upbringing of infants and
- c. time off from work on grounds of other urgent family reasons

**A Maternity leave**

1. When shall pregnant employees inform their employer of their condition ?
  
2. Are pregnant employees and employees who have recently given birth entitled to a continuous period of maternity leave. How long is this leave and when is it allocated before ?

3. Do they maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before ?

4. What rights are acquired by the worker on the date on which maternity leave starts until the end ?

5. Is there continuity of the entitlements to social security, in particular regarding health care ?

6. Do workers at the end of maternity leave have the right to return to the same job or, if that is not possible, to an equivalent or similar job ?

7. Are employees protected against dismissal ?

8. Do exist special provisions to meet the operational and organizational requirements of small undertakings ?

9. Are employees entitled to time off in order to attend ante-natal examinations, if such examinations have to take place during working hours ?

10. What are the most common cases at courts related to this ?

## **B – Parental leave**

1. What are the conditions of access and rules for applying for parental leave ?  
Describe Your system (full-time or part-time basis, time-credit system....).

2. Is the entitlement to parental leave subject to a period of work qualification and/or a length of service qualification and which period ?

3. Which notice periods do exist for the worker when exercising the right to parental leave, specifying the beginning and the end of the period of leave ?
4. Is an employer allowed to postpone the granting of parental leave for reasons related to the operation of the undertaking (e.g. where a replacement cannot be found within the notice period ?
5. Do employees maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before ?
6. What rights are acquired by the employees on the date on which parental leave starts until the end of parental leave?
7. Is there a continuity of the entitlements to social security, in particular regarding health care ?
8. Do employees at the end of parental leave have the right to return to the same job or, if that is not possible, to an equivalent or similar job ?
9. Are employees protected against dismissal on the grounds of an application for, or the taking of, parental leave ?
10. Do exist special provisions to meet the operational and organizational requirements of small undertakings ?
11. Does Your system also grant access to parental leave for adoption cases and are there specific rules for applying parental leave to the special circumstances of adoption .
12. What are the most common cases at courts related to this ?

**C. Time off from work on grounds of urgent family reasons**

1. Are employed parents with responsibility for the care and upbringing of children entitled to time off from work on grounds of urgent family reasons in cases (sickness or other reasons related to family members making the immediate presence of the worker indispensable) ?
2. What are the conditions of access for applying for this kind of time off ?
3. Is this time off limited to a certain amount of time per year or per case ?
4. Do employees maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before ?
5. Is there a continuity of the entitlements to social security, in particular regarding health care ?
6. Are these employees protected against dismissal ?
7. Do there exist special provisions to meet the operational and organizational requirements of small undertakings ?
8. What are the most common cases at courts related to this ?